REMARKS

Status of the Claims

Claims 1, 10-15, 20, 28-33, and 38-43 are currently amended and new Claims 46-48 are added herein. Claims 17, 35, and 45 are cancelled. Therefore with this amendment, Claims 1-15, 18-33, 36-43, and 46-48 are currently pending and under examination. The amendments and new claims do not introduce new matter into this application. Support for the amendments and new claims is found throughout the specification.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-15, 17-33, 35-43, and 45 are rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,833,338 to McDaniel et al. ("*McDaniel '338*"). In view of the amendments to Claims 1, 20, and 38, Applicants respectfully assert that this rejection is obviated.

The PTO states that *McDaniel '338* discloses the same catalyst composition as that presented in the instant claims. Further, the PTO states that *McDaniel '338* is silent on specific polymer film properties, but in view of the similar process, the copolymer properties would be similar. Applicants respectfully assert that the catalyst system used in *McDaniel '338* is **not** the same as the catalyst system employed to produce the polymers of the claimed invention. "The treated solid oxide compound comprises at least one halogen, **titanium**, and a solid oxide compound." (Emphasis added). *McDaniel '338*, column 9, lines 48-49. See also Claim 1 in *McDaniel '338*, on column 32, lines 19-20. *McDaniel* '338 is silent with respect to a chemically-treated solid oxide component in the absence of titanium.

Respectfully, it is well known to one of ordinary skill in the art that any change, whatsoever, in components of a catalyst system can give rise to substantially different polymer properties, such as density, melt index, high load melt index (HLMI), and polydispersity index (Mw/Mn), as well as film properties such as haze and clarity. For

example, *McDaniel '338* mentions the presence of the **titanium itself contributes a high molecular weight component** to the polymer. See *McDaniel '338*, for example, on column 20, lines 54-57; column 22, lines 37-40; and column 23, lines 45-47. Hence, the underlying premise that *McDaniel '338* has the same catalyst system and thus would give similar polymer resin and film properties to the present invention **cannot** be fairly concluded.

Thus, *McDaniel '338* does not teach or suggest each and every element of the claimed invention. Accordingly, Applicants respectfully request that the rejection of Claims 1-15, 17-33, 35-43, and 45 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *McDaniel '338*, be withdrawn.

Claims 1-15, 17-33, 35-43, and 45 are rejected under 35 U.S.C. § 102(a) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,613,852 to McDaniel et al. ("*McDaniel '852*"). In view of the amendments to Claims 1, 20, and 38, Applicants respectfully assert that this rejection is obviated. Support for the amendments can be found in the specification, for example, on page 25, lines 18-23, and page 32, lines 1-10.

The PTO states that *McDaniel '852* discloses a process and catalyst composition similar to that presented in the instant claims. The PTO states that *McDaniel '852* is silent on specific polymer film properties, but in view of the similar process, the copolymer properties would be similar. Applicants respectfully assert that the catalyst system used in *McDaniel '852* is **not** the same as the catalyst system employed to produce the polymers of the claimed invention. As stated in *McDaniel '852*, "The process comprises...contacting an organometal compound, an organoaluminum compound, and a **fluorided silica-alumina** to produce the catalyst composition..." (Emphasis added). *McDaniel '852*, column 1, lines 62-67. See also Claim 1 in *McDaniel '852*, on column 18, lines 30-35.

Respectfully, it is well known to one of ordinary skill in the art that any change, whatsoever, in components of a catalyst system can give rise to substantially different polymer properties, such as density, melt index, high load melt index (HLMI), and

polydispersity index (Mw/Mn), as well as film properties such as haze and clarity. For instance, in Example 9, *McDaniel '852* used **fluorided silica**, instead of **fluorided silica-alumina**, under similar polymerization conditions and found **substantially no catalyst system activity with the fluorided silica**. See *McDaniel '852* on column 17, lines 49-57. This example demonstrates that the performance of the catalyst system in *McDaniel '852* depends upon the selection of the chemically-treated solid oxide. Hence, the underlying premise that *McDaniel '852* has the same catalyst system and thus would give similar polymer resin and film properties to the present invention **cannot** be fairly concluded.

Also, it is well established that an applicant may claim less than the full scope of the disclosure, for example, to excise prior art compounds from a genus or listing of species. See e.g., *In re Johnson*, 558 F.2d 1008, 194 U.S.P.Q. 187 (C.C.P.A. 1977); *In re Driscoll*, 562 F.2d 1245, 195 U.S.P.Q. 434 (C.C.P.A. 1977). As such, Applicants have eliminated the selection of **fluorided silica-alumina** as a chemically-treated solid oxide from independent Claims 1, 20, and 38.

Thus, *McDaniel '852* does not teach or suggest each and every element of the claimed invention. Accordingly, Applicants respectfully request that the rejection of Claims 1-15, 17-33, 35-43, and 45 under 35 U.S.C. § 102(a) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *McDaniel '852*, be withdrawn.

New Claims 46-48

Since new Claims 46-48 are similar to Claims 1, 20, and 38 presented with Applicants' Amendment and Response dated January 3, 2006, Applicants respectfully request the entry and examination of Claims 46-48.

As mentioned above, it is well established that an applicant may claim less than the full scope of the disclosure, for example, to excise prior art compounds from a genus or listing of species. See e.g., *In re Johnson*, 558 F.2d 1008, 194 U.S.P.Q. 187 (C.C.P.A. 1977); *In re Driscoll*, 562 F.2d 1245, 195 U.S.P.Q. 434 (C.C.P.A. 1977). The new claims excise, or proviso out, the bridged metallocene compounds in *McDaniel '852* that are

covered within the tightly-bridged metallocene genus of the present invention. Support for the tightly-bridged metallocene genus, and specific illustrative examples of tightly-bridged metallocene compounds, can be found in the specification, for example, from page 8, line 18, to page 17, line 4. Accordingly, Applicants respectfully request that Claims 46-48 be entered and allowed.

CONCLUSION

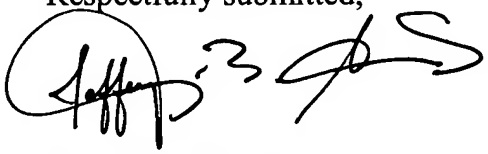
The foregoing is submitted as a full and complete Amendment and Response to the Final Office Action dated March 17, 2006. For at least the reasons given above, Applicants respectfully submit that Claims 1-15, 18-33, 36-43, and 46-48 define patentable subject matter. Accordingly, Applicants request allowance of these claims.

This Amendment and Response is being filed within two (2) months of the final action, therefore Applicants request that an Advisory Action be issued in this case.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Account No. 09-0528.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contract Applicants' representative at the telephone number listed below.

Respectfully submitted,



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Atty. Docket No.: C51757 0520 (51879.0359.6)